

August 18, 1992
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, CASE NO. 92-61

The Regional Water Quality Control Board heard arguments on August 17, 1992 in Administrative Civil Liability Complaint No. 92-61 and on the Executive Officer's request for \$88,000 in civil damages based on allegations that the City of San Diego failed to file by May 4, 1992 specified reports detailing the engineering causes of the Point Loma outfall rupture.

I am pleased to report that after a full hearing, the Board voted 7-0 to dismiss the civil liability complaint and refused to impose any sanctions on the City. This ruling upholds the City's position, maintained since February, that an independent investigative report exceeded the Executive Officer's authority and that any such report prepared under the direction of the City Attorney is privileged under the attorney-work product privilege.

Chief Deputy City Attorney Ted Bromfield prepared the opposition brief and represented the City at the hearing.

Respectfully submitted,
JOHN W. WITT
City Attorney

TB:mb:452.1.1(043.1)

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